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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

ORACLE USA, INC., et al.,  
 Plaintiffs,  
 v.  
 SAP AG, et al.,  
 Defendants.

Case No. 07-CV-1658 PJH (EDL)

**STIPULATION AND [PROPOSED]  
 ORDER TO EXTEND TIME TO  
 COMPLY WITH PORTIONS OF PRE-  
 TRIAL ORDER REGARDING  
 EXCHANGE OF EXHIBITS**

1 Pursuant to Civil Local Rule 6-3, Plaintiffs Oracle USA, Inc., Oracle International  
2 Corporation, Oracle EMEA Limited, and Siebel Systems, Inc. and Defendants SAP AG, SAP  
3 America, Inc., and TomorrowNow, Inc. (together with Plaintiffs, the “Parties”), hereby submit  
4 this agreed-upon stipulation to extend time for the Parties to comply with the Court’s June 11,  
5 2009 Stipulated Revised Case Management and Pre-Trial Order (“June 11, 2009 Order”) and July  
6 21, 2010 Stipulation and Order to Extend Time to Comply with Portions of Pretrial Order  
7 Regarding Under Seal Requests and Pre-Marked Exhibits (“July 21, 2010 Order”) to exchange  
8 pre-marked exhibits.

9 The June 11, 2009 Order set August 5, 2010 as the deadline for the parties to exchange  
10 pre-marked exhibits. The July 21, 2010 Order extended the deadline to exchange pre-marked  
11 exhibits to August 10, 2010.

12 The Parties jointly request that the Court grant a 6 calendar-day extension of the deadline  
13 to exchange pre-marked exhibits to August 16, 2010. As the Parties continue to work towards  
14 focusing the issues that will be in dispute at trial and in light of the volume of exhibits to be  
15 exchanged, the Parties believe that this extension of time is necessary to allow the Parties  
16 adequate time to process and pre-mark exhibits disclosed on August 5, 2010 in accordance with  
17 the Court’s June 11, 2009 Order. Additionally, because the Parties have designated as potential  
18 trial exhibits various physical media that would be burdensome to exchange prior to trial, the  
19 Parties hereby agree to exchange placeholders, in the form of slip-sheets, in place of physical  
20 media when pre-marked exhibits are exchanged on August 16.

21 This requested extension does not impact any other portion of the current case schedule,  
22 including the current November 1, 2010 trial date. The only purpose of this requested extension  
23 is to extend the deadlines noted above, and thus this requested extension shall not in any way  
24 affect any other rights or obligations of the Parties.

1 DATED: August 9, 2010

JONES DAY

3 By: /s/ Tharan Gregory Lanier

4 Tharan Gregory Lanier  
5 Attorneys for Defendants  
6 SAP AG, SAP America, Inc., and  
7 TomorrowNow, Inc.

8 In accordance with General Order No. 45, Rule X, the above signatory attests that  
9 concurrence in the filing of this document has been obtained from the signatory below.

10 DATED: August 9, 2010

BINGHAM McCUTCHEN LLP

12 By: /s/ Geoff Howard

13 Geoff Howard  
14 Attorneys for Plaintiffs  
15 Oracle USA, Inc., Oracle International  
16 Corporation, Oracle EMEA Limited, and  
17 Siebel Systems, Inc.

18 **IT IS SO ORDERED.**

20 DATED: August 10, 2010

